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OFFICE OF PETITIONS

In re Application of :
Timothy P. Beaton :
Application No. 10/633,796 : DECISION ON PETITION
Filed: August 4, 2003 :
Attorney Docket No.: :
05516/045003 :
Title: POLYCRYSTALLINE DIAMOND :
COMPACT INSERT REAMING TOOL :
:

This is a decision on the petition filed November 20, 2003, requesting that Figure three (3) be accorded a filing date of August 4, 2003 as part of the original disclosure.

The application was deposited on August 4, 2003. However, on October 31, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application (notice)", stating that the application had been accorded a filing date, and advising applicants that the application appeared to have been deposited without Figure three.

In response, on November 20, 2003, applicants filed the present petition. The petition is further accompanied by a copy of Figure three (3), along with a copy of applicants' postcard receipt acknowledging receipt of "3 sheets of drawings" in the United States Patent and Trademark Office (Office) on August 4, 2003. Applicants request that the application, including Figure three be accorded a filing date of August 4, 2003.

It is noted that two sheets of drawings have been located in the electronic file.

Upon review of the record, the above-mentioned figure has not been located among the application papers. However, the evidence

is convincing that the application papers deposited on August 4, 2003 included Figure three, and the sheet containing this Figure was subsequently misplaced in the Office.

Therefore, the application, including Figure three, was complete on filing and entitled to a filing date of August 4, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed October 31, 2003 was sent in error, and that portion is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of \$130 will be refunded to petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 4, 2003, using the original application papers filed on that date, as well as the Figure three submitted on November 20, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.



Paul Shanoski
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